

CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

May 27, 2008

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

VIA ELECTRONIC MAIL

Michael David Liberty, Esq.
Law Offices of Michael D. Liberty
1290 Howard Avenue, Suite 303
Burlingame, CA 94010
Attorney for Plaintiff

Michel C. Serverian, Esq.
Rankin Landsness Lahde
Serverian & Stock
Suite 500, 96 No. Third Street
San Jose, CA 95112
Attorney for Defendant

John L. Flegel, Esq.
Jorgenson, Siegel McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025
Attorney for Defendant

Re: Guerrero v. County of San Benito et al.
United States District Court Case No. C08-00307 PVT ENE

Dear Counsel:

I have been appointed by the District Court to serve as the evaluator in this case under the court's Early Neutral Evaluation (ENE) program. Please be sure to review carefully ADR L.R. 5 which governs the ENE program.

Pursuant to ADR L.R.5-8, I will conduct a phone conference with all counsel before the formal evaluation session to discuss the following:

- the procedures to be followed
- the nature of the case

Re: Guerrero v. County of San Benito et al.
United States District Court Case No. C08-00307 PVT ENE

Page Two

May 27, 2008

- appropriate dates for the ENE session
- the parties who will be present at the session and other procedural matters
- ideas to improve the effectiveness of ENE session or matters that could pose impediments
- requirements for our written ENE statements
- any questions you might have about the ENE program

I anticipate that the telephone conference will last approximately one-half hour. This letter confirms that my assistant has been in contact with you and has scheduled this telephone conference for June 5th at 2:30 p.m. Please call toll free number 1-888-392-9904 and provide the pass code "8513438#" to connect you to the conference call.

Before the telephone conference, please ascertain from your clients and any insurers a selection of dates upon which the ENE session may be conducted. The final date that the session can be held is July 15, 2008.

In the interests of full disclosure under ADR L.R. 205(d) and 28 U.S.C. Section 445(a), I wish to advise you that I do not have a conflict of interest in this matter as the evaluator in this matter.

I look forward to assisting you on this case.

Very truly yours,

JOHN A. RUSSO
City Attorney

By: _____
RANDOLPH W. HALL
Chief Assistant City Attorney

RWH/ssl

Doc. No. 449194

cc: Alice M. Fiel - ADR Case Administrator

Re: Guerrero v. County of San Benito et al.

United States District Court Case No. C08-00307 PVT ENE

Page Two

May 27, 2008

Alice M. File
ADR Case Administrator
ADR Program
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102